

REMARKS

Reconsideration of the present application is respectfully requested. Claims 1-8 are currently pending.

Claims 1, 3, 4, and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over GB-2329303 to Halloran et al. ("Halloran"). Independent claim 1 is directed to a dual-radio communication apparatus having "a first radio device for use in a first frequency band"; "a second radio device for use in a second frequency band, proximate to the first frequency band"; and "a controller coupled to the first and second radio devices"; and "wherein the first radio device has a first operating mode employing a first frequency range, and a second operating mode employing a second frequency range, the second frequency range being smaller than the first frequency range". The apparatus of independent claim 1 further includes the feature of "wherein the controller is adapted to set the first radio device in its second operating mode, when the second radio device is in operation, and otherwise set the first radio device in its first operating mode."

In the Office Action it is asserted that Figures 1A-2 and page 4 lines 20-30, 32-34 of Halloran discloses "a dual mode communication device 102 configured for communication in a first mode and a second mode, a first radio 124 for use in a first frequency band, and a second radio 126 for use in a second frequency band, a controller 114, 120 (166) coupled to the first and second radio, wherein the controller 166 with the communication device 102 assess the status of communication using service indicator to set the first radio in its second operating mode based on availability, select the second (secondary mode) communication mode 206, otherwise set the first radio in its operating mode 220." It is further asserted in the Office Action that "the difference between Halloran and the claimed subject matter is of the first radio operating at a second mode employing a second frequency, the second frequency range being smaller than the first frequency range." The Office Action asserts that "in the context of dual mode operation, Halloran discloses (pages 1-2) that an existing dual mode radiotelephone, being dual mode communication device, can operate at a different frequency (range) such as a first band of frequencies near 800 MHz and a second band of frequencies around 1900 MHz in different modes (pages 1,2)." The Office Action further asserts that "it would have been obvious at the time the invention was made to utilize the features of dual mode communication to provide a

similar arrangement offered with existing dual mode radios so as to enhance the radio's communication capabilities operating under different frequencies (ranges) as disclosed by Halloran (page 1, lines 36-40; page 2, lines 5-6)." Applicant respectfully submits that Halloran fails to teach or suggest the features of independent claim 1.

Halloran describes a communication device having primary and secondary radio units configured for radio communication with primary and secondary communication systems. As described on page 4, lines 22-30 of Halloran, each of the radio units has its own mode wherein the primary radio unit uses a primary mode supporting terrestrial communications, and the second radio unit uses a secondary mode supporting satellite communications. Accordingly, Applicant respectfully submits that each of the primary and secondary radio units individually support only a single mode of operation. In contrast to Halloran, independent claim 1 describes a first radio device and a second radio device in which the first radio device has a first operating mode employing a first frequency range, and a second operating mode employing a second frequency range. Further, the first frequency range and the second frequency range of independent claim 1 are employed by the same (first) radio device, whereas in Halloran first and second frequencies are used by two different (primary and secondary) radio units.

Independent claim 1 further includes the feature of "wherein the controller is adapted to set the first radio device in its second operating mode, when the second radio device is in operation, and otherwise set the first radio device in its first operating mode." Accordingly, in independent claim 1 the setting of the first radio in a first or second mode is based on whether the second radio device is in operation. Applicant respectfully submits that Halloran also fails to teach or suggest at least this feature of independent claim 1. Applicant respectfully submits that independent claim 1 distinguishes over Halloran and requests that the 35 U.S.C. 103(a) rejection of independent claim 1 be withdrawn.

Claims 3 and 4 are dependent upon and include the features of independent claim 1. As discussed with respect to independent claim 1, Halloran fails to teach or suggest the features of independent claim 1. For at least the reasons as discussed with respect to independent claim 1, Applicant respectfully submits that claims 3 and 4 also distinguish over Halloran and requests that the 35 U.S.C. 103(a) rejections of claims 3 and 4 be withdrawn.

Independent claim 7 is directed to a method of operating a dual-radio communication apparatus comprising a first radio device for use in a first frequency band and a second radio device for use in a second frequency band, proximate to the first frequency band where the method includes the steps of "a) determining whether the second radio device is in operation"; "b) for the first radio device, using a first frequency range, if the answer in step a) is in the negative"; and "c) for the first radio device, using a second frequency range, the second frequency range being smaller than the first frequency range, if the answer in step a) is in the affirmative." For similar reasons as those discussed with respect to independent claim 1, Applicant respectfully submits that independent claim 7 distinguishes over Halloran and requests that the 35 U.S.C. 103(a) rejection of independent claim 7 be withdrawn.

Claims 2, 5, 6, and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Halloran in view of U.S. Patent No. 5,596,330 to Yokey et al. ("Yokey"). Claims 2, 5, 6, and 8 are dependent upon and include the features of their respective independent claims 1 and 7. As discussed with respect to independent claims 1 and 7, Halloran fails to teach or suggest the distinguishing features of independent claims 1 and 7. The Office Action asserts that column 13, lines 23-33 of Yokey discloses "a frequency hopped spread-spectrum radio transmitter simultaneously transmitting two radio carrier frequency signals having different hop frequencies, the two carrier signals are received by at least three base stations, the transmitter uses a first frequency range and a second frequency range." Applicant respectfully submits that Yokey also fails to teach or suggest the aforementioned distinguishing features of independent claims 1 and 7. Further, Applicant respectfully submits that the cited portion of Yokey fails to teach or suggest the use of different hop carrier frequencies for different operating modes, but rather describes two example center carrier frequencies from a 1.5 MHz band selected from within the 902-928 MHz frequency spectrum divided into 7.5 kHz channels to provide 200 channels available in which frequency hops can occur. Applicant respectfully submits that claims 2, 5, 6, and 8 distinguish over Halloran in view of Yokey and requests that the 35 U.S.C. 103(a) rejections of claims 2, 5, 6, and 8 be withdrawn.

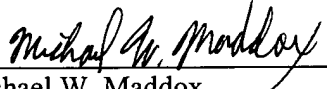
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In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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